

806 KAR 40:020. Charitable health care provider registration.

RELATES TO: KRS 304.40-075

STATUTORY AUTHORITY: KRS 304.2-110(1), 304.40-075(3)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110(1) authorizes the Executive Director of the Office of Insurance to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of KRS 304.010 through 304.99-152. KRS 304.40-075(3)(b) requires the department to promulgate administrative regulations to establish reasonable guidelines for the registration of charitable health care providers. This administrative regulation establishes guidelines for the registration of charitable health care providers who wish to obtain reimbursement of premiums paid for medical professional liability insurance. Pursuant to KRS 304.40-075, the office is required to establish guidelines for the registration of charitable health care providers who wish to obtain reimbursement of premiums paid for medical professional liability insurance. This administrative regulation will implement that requirement.

Section 1. A charitable health care provider shall supply the following information to the Office of Insurance in order to request reimbursement:

- (1) Name and address;
- (2) License number of provider;
- (3) Source of funding for the provider of charitable health care service;
- (4) Number of employees who render medical care without compensation or charge and without expectation of compensation or charge and who will be covered under the malpractice coverage;
- (5) The expected number of patients to be provided charitable health care services in the year for which the insurer will offer malpractice coverage;
- (6) Health services provided by the charitable health care provider;
- (7) Information regarding the provider's medical professional liability insurance policy for which reimbursement is being requested:
 - (a) Copy of the entire policy, including the declarations page showing:
 1. Insurer's name and address;
 2. Policy effective dates;
 3. Policy number;
 4. Premium due; and
 - (b) Itemized billing and proof of payment of amount being requested to be reimbursed;
- (8) Copy of the registration filed with the Cabinet for Health Services under KRS 216.941; and
- (9) Acknowledgment that provider will follow insurer's risk management and loss prevention policies and procedures.

Section 2. If any of the information provided in Section 1 of this administrative regulation changes or is incorrect, the charitable health care provider shall provide the correct information immediately to the office.

Section 3. Any premium refund received by the charitable health care provider and remitted to the Office of Insurance, pursuant to KRS 304.40-075(3)(d), shall be accompanied by the following:

- (1) A copy of the previous request;
- (2) An explanation of the events prompting the refund; and
- (3) Copies of all documents from the insurer regarding the refund and its amount.

Section 4. (1) An insurer which offers medical professional liability insurance shall provide information regarding premiums paid, expenses incurred by the insurer, and profits made for all risk cov-

ered pursuant to KRS 304.40-075. The information required by Section 1 of this administrative regulation shall be provided to the office by March 1 and shall include premium, expense, and profit information from the preceding calendar year and shall be submitted on Form CHP-2B P&C 07 2000.

(2) In order for the office to determine reasonable loss ratio guidelines, upon request by the office, an insurer which offers medical professional liability insurance shall provide premium, profit, and expense information related to all of its medical professional liability insurance business.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Form CHP-2A P&C 07 2000, "Commonwealth of Kentucky Office of Insurance Property and Casualty Division Medical Professional Liability Insurance Annual Call for Data Instructions"; and

(b) Form CHP-2B P&C 07 2000, "Commonwealth of Kentucky Office of Insurance Property and Casualty Division Liability Insurance Annual Call for Data".

(2) This material may be inspected, copied or obtained, subject to applicable copyright law, from the Office of Insurance, 215 West Main Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the office's Web site at <http://doi.ppr.ky.gov/kentucky/>. (24 Ky.R. 433; eff. 10-13-97; Am. 29 Ky.R. 807; 1271; eff. 11-12-02; TAm eff. 8-9-2007.)